

II. REMARKS/ARGUMENTS

Request For Continued Examination

Applicants hereby submit a Request for Continued Examination ("RCE").
Reconsideration of the application as amended is requested.

Claim Amendments

Claims 1 and 20 have been amended to overcome the rejections under 35 U.S.C. § 112 and 35 U.S.C. § 103(a), detailed below.

Claim Rejections – 35 U.S.C. § 112

Claims 1-4, 6-15 and 20 stand rejected under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the written description and enablement requirements with regard to the pivot axes for the seat cushion and the seatback. Applicants have amended Claim 1 to clearly recite a seat cushion that is pivotable on a first axis, a seat cushion that is pivotable on a second axis that is parallel to the first axis, and a forward support leg that is pivotable on a third axis that is also parallel to the first axis. The subject matter of these amendments is amply supported by at least Figs. 1 through 8 of the originally-filed specification. Applicants respectfully submit that amended Claim 1 clearly overcomes the rejection under 35 U.S.C. § 112. Claims 2-4 and 6-15 depend ultimately from Claim 1. As such, applicants submit that Claims 2-4 and 6-15 also overcome the rejection under 35 U.S.C. § 112. Independent Claim 20 has been amended in a manner similar to Claim 1. Accordingly, applicants submit that Claim 20 easily overcomes the rejection under 35 U.S.C. § 112 for the same reasons as those presented above for Claim 1.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 6, 7, 12 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP Publication No. 406234337 to Kuroiwa et al. ("Kuroiwa") in view of U.S. Pat. No. 5,542,745 to Takeda et al. ("Takeda"). The examiner asserts that Kuroiwa discloses a foldable vehicle seat and that Takeda discloses a seatback that is

pivotable about a first pivot point on a first axis, this combination teaching all of the features of applicants' claimed invention.

Applicants have amended Claim 1 to recite a stationary anchor member connected to a structural portion of a vehicle. In clear contrast, the anchor member 5, 6 of Kuroiwa cited by the examiner is movable about an attachment point 9 of a structural portion 8 (Figs. 1, 3). Likewise, the anchor member 4 of Takeda cited by the examiner is movable about an attachment point 4a (col. 3, lines 60-63; Figs. 1, 2, 8).

Applicants have further amended Claim 1 to recite a seat cushion that is pivotable about the anchor member independently of the seatback and a seatback that is pivotable about the anchor member independently of the seat cushion. Unlike applicants' claimed invention, the seat cushion 2 of Kuroiwa cannot be pivoted about the movable anchor member 5, 6 independently of the seatback 3 because the seatback and seat cushion are commonly coupled to anchor member portion 5, which pivots about anchor member portion 6 (Figs. 1, 3). Consequently, seatback 3 must pivot when seat cushion 2 is pivoted. Takeda also lacks this feature of applicants' claimed invention, instead disclosing a seat cushion 21 and a seatback 22 that are both pivotably coupled to the movable anchor member 4 with the result that movement of either one of the seat or the seatback forces movement of the other (col. 3, lines 28-38; Figs. 7, 8).

To support an obviousness rejection, MPEP § 2143.03 requires "all words of a claim to be considered" and MPEP § 2141.02 requires consideration of the "[claimed] invention and prior art as a whole." Further, the Board of Patent Appeals and Interferences recently confirmed that a proper, post-KSR obviousness determination still requires the Office make "a searching comparison of the claimed invention - including all its limitations - with the teaching of the prior art." *In re Wada and Murphy*, Appeal 2007-3733, citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) and *CFMT v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003). In sum, it remains well-settled law that an obviousness rejection requires at least a suggestion of all of the claim elements. Because the combination of Kuroiwa and Takeda lacks a teaching or even a suggestion of at least the foregoing elements of applicants amended Claim 1, applicants submit that Claim 1 is patentable over these references.

Claims 2-3, 6, 7 and 12 depend ultimately from Claim 1 and each add limitations that further distinguish the claimed invention from the prior art. As such, applicants submit that Claims 2-3, 6, 7 and 12 are also patentable over the combination of Kuroiwa and Takeda. Independent Claim 20 has been amended in a manner similar to Claim 1. Accordingly, applicants submit that Claim 20 is patentable over the combination of Kuroiwa and Takeda for the same reasons as those presented above for Claim 1.

Claims 4, 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable the combination of Kuroiwa and Takeda in view of U.S. Pat. No. 5,707,103 to Balk ("Balk"). Claims 4, 8 and 9 depend ultimately from independent Claim 1. Applicants submit that Claim 1 is patentable over the combination of Kuroiwa and Takeda for the reasons provided above. Balk, cited by the examiner with regard to a headrest and a second latch, fails to provide any additional teaching that would render Claim 1 obvious. Applicants therefore submit that Claims 4, 8 and 9 are allowable over the combination of Kuroiwa, Takeda and Balk.

Claims 10, 11 and 13-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable the combination of Kuroiwa and Balk in view of U.S. Pat. No. 5,826,942 to Sutton et al. ("Sutton"). Claims 10, 11 and 13-15 depend ultimately from independent Claim 1. Applicants submit that Claim 1 is patentable over the combination of Kuroiwa and Balk for the reasons provided above. Sutton, cited by the examiner with regard to a pivotable headrest and a third latch, fails to provide any additional teaching that would render Claim 1 obvious. Applicants therefore submit that Claims 10, 11 and 13-15 are allowable over the combination of Kuroiwa and Balk.

III. CONCLUSION

For the reasons discussed above, applicants submit that amended Claims 1-4, 6-15 and 20 of the pending application are patentable over all the prior art of record. It is believed that the application is now in form for allowance and favorable action by the examiner is requested. The examiner is requested to contact applicants' representative at the telephone number below if any other issues remain.

Respectfully Submitted,

/Michael A. Forhan/

Michael A. Forhan, Reg. No. 46,706
Eley Law Firm Co.
Attorneys at Law
7870 Olentangy River Road
Suite 311
Columbus, Ohio 43235
Telephone (614) 825-3539
Facsimile (614) 825-9590
Email: mforhan@eyleylaw.com